



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street, Eureka CA 95501
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: September 16, 2021

To: Humboldt County Zoning Administrator

From: John H. Ford, Director of Planning and Building Department

Subject: **Regli, Modification to a Coastal Development Permit, PLN-2021-16972**
Application Number PLN-2021-16972
Assessor's Parcel Number (APN) 106-051-004
525 Whitman Lane, Ferndale area

Table of Contents

Page

Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	4

Maps

Location Map	7
Aerial Parcel Map	8
Assessor Map	9
Zoning Map	10
Topo Map	11

Attachments

Attachment 1: Recommended Conditions of Approval	
Attachment 2: Conditions of Approval for PLN-2838-CDP	
Attachment 3: Applicant's Evidence in Support of the Required Findings	
a Application (On File)	On File
b Site Plan, Revised Site Plans (Attached)	16
c Fisch Drilling Contract (On File)	On File
d Grant Deed (On File)	On File
Attachment 4: Referral Agency Comments and Recommendations	17

Please contact Leiloni Shine, Contract Planner, at 707-671-6928 or by email at Leiloni@landlogistics.com, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date September 16, 2021	Subject Modification to a Coastal Development Permit, PLN-2021-16972	Contact Leiloni Shine, Contract Planner
---	---	--

Project Description: A Modification to a Coastal Development Permit for a proposed agriculture well. The parcel is developed with a single-family residence and attached garage, existing barn, and served by an onsite septic system. The parcel is held within a Williamson Act Agricultural Preserve Contract. No additional development is proposed.

Project Location: This project is located in Humboldt County, in the Ferndale area, on the northwest side of Whitman Lane, approximately 4,600 feet north from the intersection of Whitman Lane and Grizzly Bluff Road, on the property known as 525 Whitman Lane.

Present Plan Land Use Designations: Agriculture Exclusive (AE), Density: Range is 20 to 60 acres per unit, Eel River Area Plan (ERAP), 2017 General Plan, Slope Stability: Relatively Stable (0)

Present Zoning: Agriculture Exclusive: 60 acres minimum parcel (AE-60), Flood Hazard Areas (F), Streams and Riparian Corridor Protection (R), Transitional Agricultural Lands (T)

Record Number: PLN-2021-16972

Assessor's Parcel Number: 106-051-004

Applicant

Regli Jerseys
Jim Regli
525 Whitman Ln
Ferndale, CA 95536

Owner

Regli James P & Susan M Tr
525 Whitman Ln
Ferndale, CA 95536

Agents

Fisch Drilling
Dave Fisch/Chris Fisch
3150 Johnson Rd.
Hydesville, CA 95547

Environmental Review: Project is exempt from environmental review per Section 15303(d) – New Construction or Conversion of Small Structures, of the CEQA Guidelines.

State Appeal Status: Project is not appealable to the California Coastal Commission.

Major Issues: None

Regli Modification to a Coastal Development Permit, PLN-2021-16972

Record Number: PLN-2021-16972

Assessor's Parcel Number: 106-051-004

Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find the project exempt from environmental review pursuant to Section 15303(d) of the State CEQA Guidelines, make all of the required findings for approval of the modification of the Coastal Development Permit, PLN-2021-16972, based on evidence in the staff report, and adopt the Resolution approving the Regli project subject to the recommended conditions.

Executive Summary: A Modification to a Coastal Development Permit (PLN-2021-16972) is being requested to authorize the installation of an agriculture well on an approximately 38.5-acre parcel. The parcel is developed with a single-family residence and attached garage, existing barn, and served by an onsite septic system. The parcel is held within a Williamson Act Agricultural Preserve Contract. No additional development is proposed.

RECOMMENDATION: Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Coastal Development Permit.

ALTERNATIVES: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-
Record Number PLN-2021-16972
Assessor's Parcel Number: 106-051-004**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Regli Modification to a Coastal Development Permit, PLN-2021-16972.

WHEREAS, on behalf of Regli Jerseys, Dave Fisch of Fisch Drilling submitted an application and evidence in support of approving a Modification to a Coastal Development Permit for the installation of an agriculture well on an approximately 38.5-acre parcel in the Ferndale area (APN 106-051-004); and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the project is categorically exempt from environmental review pursuant to Section 15303(d) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on September 16, 2021, and reviewed, considered, and discussed the application for a Modification to a Coastal Development Permit, PLN-2021-16972, and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all the following findings:

- 1. FINDING:** **Project Description:** The application is a Modification to a Coastal Development Permit, PLN-2021-16972, to authorize the installation of an agriculture well on an approximately 38.5-acre parcel.

EVIDENCE: a) Project File: PLN-2021-16972

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with.

EVIDENCE: a) Project is exempt from environmental review per Section 15303(d) – New Construction or Conversion of Small Structures, of the CEQA Guidelines

**FINDINGS FOR THE MODIFICATION TO THE COASTAL DEVELOPMENT PERMIT,
PLN-2021-16972**

- 3. FINDING** The proposed development is in conformance with the County General Plan.

EVIDENCE a) This land use designation, Agriculture Exclusive (AE), applies to bottomland farms and lands that can be irrigated; also used in upland areas to retain agricultural character. Typical uses include dairy, row crops, orchards, specialty agriculture, and horticulture. Residential subdivision is not supported. Residential uses must support agricultural operation. Density range is 20-60 acres/unit. The parcel is held within a Williamson Act

Agricultural Preserve Contract. The proposed project parcel has a previously approved Coastal Development Permit, PLN-2021-16972. The current uses include residential and agricultural; the parcel is developed with a single-family residence, attached garage, existing barn, and served by an onsite septic system. The proposed agriculture well will allow for future residential agriculture development and agriculture production. Therefore, the project is in conformance with the County General Plan.

4. FINDING

The proposed development is consistent with Eel River Area Plan (ERAP).

EVIDENCE

- a) The land use designation for the parcel within the ERAP conforms with the General Plan land use designation.
- b) The ERAP Section 3.41 (G) (4) states: "The riparian corridor along the Salt River shall be limited to the bankfull channel." ERAP Section 3.41 (F) (4) (c) (2) states: "New development within the riparian corridor shall be permitted when there is no less environmentally damaging feasible alternative, where the best mitigation measures feasible have been provided to minimize adverse environmental effects, and shall be limited to the following uses: ...Wells in rural areas..." The proposed agriculture well is located outside of the Salt River riparian corridor and would support agricultural use on the site.

The ERAP Section 3.41 (G) (2) identifies Coffee Creek as a coastal stream and ERAP Section 3.41 (G) (5) (a-c) requires riparian corridors on all other perennial and intermittent streams to be at a minimum, the larger of either 100 feet measured as the horizontal distance from the stream transition line on both sides; or 50 feet plus four times the average percent of slope, measured as a slope distance from the stream transition line on both sides of intermittent and perennial streams. Where necessary, the width of riparian corridors shall be expanded to include significant areas of riparian vegetation adjacent to the corridor, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance. The proposed agriculture well is located outside of the Coffee Creek riparian corridor and would support agricultural use on the site.

5. FINDING

The proposed development is consistent with the purposes of the existing Agriculture Exclusive: 60 acres minimum parcel (AE-60), Flood Hazard Areas (F), Streams and Riparian Corridor Protection (R), and the Transitional Agriculture Lands (T) zones in which the site is located, or when processed in conjunction with a zone reclassification, is consistent with the purposes of the proposed zone.

EVIDENCE

- a) The current uses include residential and agricultural; the parcel is developed with a single-family residence, attached garage, existing barn, and served by an onsite septic system. The parcel is held within a Williamson Act Agricultural Preserve Contract. No additional development is proposed at this time. General Agriculture is a principally permitted use in the AE zone (Sec. 313-7.1), wells are a permitted use in the R combining zone (Sec. 33.1.7.2.3), new agriculture wells are not prohibited in the F combining zone (Sec. 313-21.1) and the proposed agriculture well is located outside of the T combining zone's boundary for development review requirements (Sec. 35.1.3.1).
- b) A condition of approval has been included to address the inadvertent discovery of cultural resources during construction of the proposed

agriculture well.

- c) A condition of approval has been included indicating that the applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.

6. FINDING The installation of an agriculture well will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE a) The proposed agriculture well will expand the potential residential agriculture uses for the parcel and will be beneficial to the public health, safety and welfare and will not be materially injurious to properties or improvements in the vicinity.

7. FINDING The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE a) The parcel's General Plan land use designation (AE) and zoning (AE-60/F/R/T) allow residential and agricultural use. The project will not negatively impact compliance with Housing Element law.

DECISION

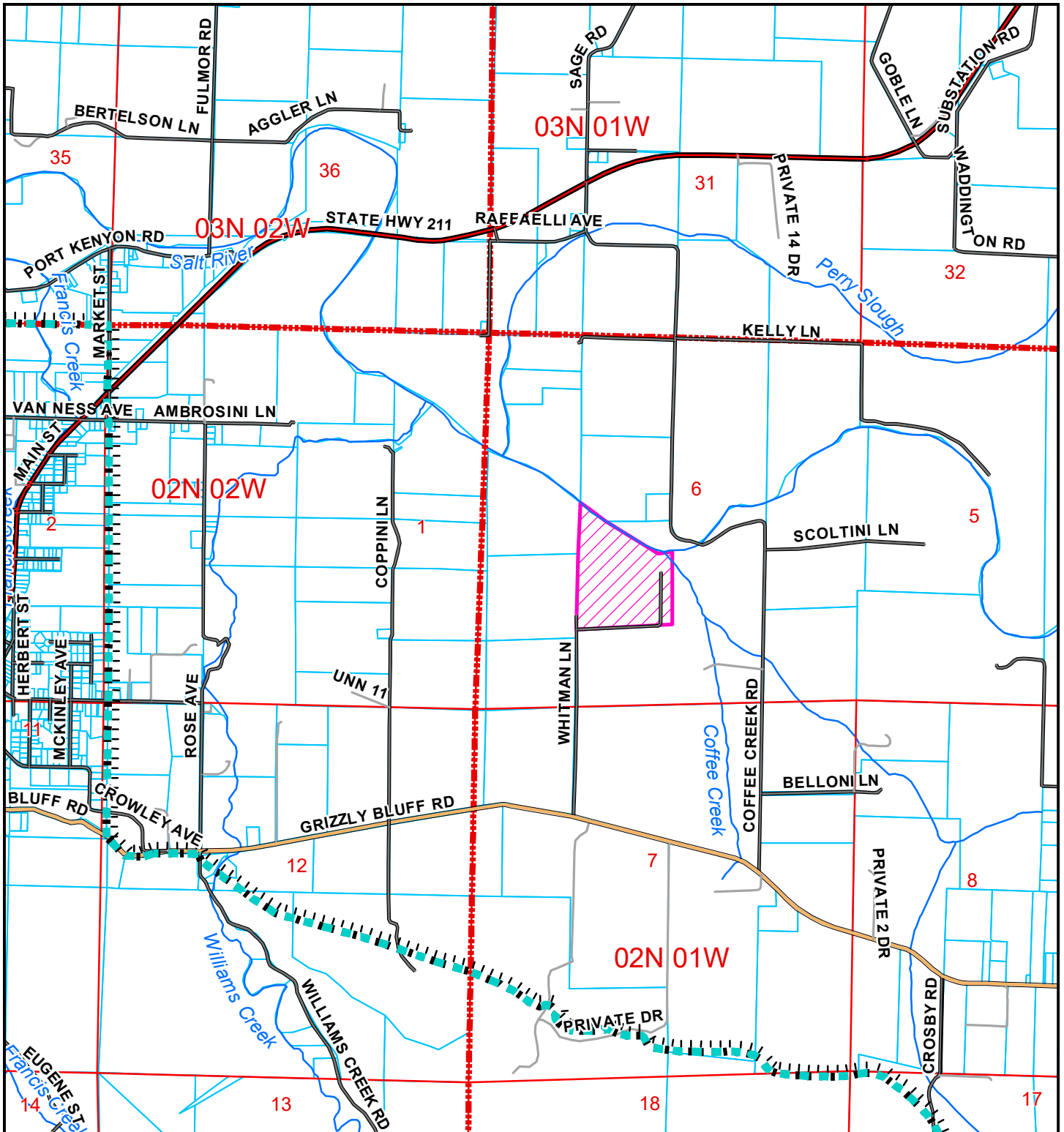
NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves PLN-2021-16972 for the Regli Modification to the Coastal Development Permit, PLN-2021-16972, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on September 16, 2021

I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Zoning Administrator at a meeting held on the date noted above.

John Ford, Zoning Administrator
Planning and Building Department



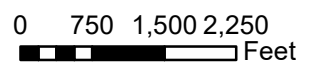
LOCATION MAP

**PROPOSED REGLI JERSEYS
 COASTAL DEVELOPMENT PERMIT
 FERDALE AREA
 PLN-2020-16972
 APN: 106-051-004
 T02N R01W S06 HB&M (Fortuna)**

Project Area = 

Coastal Zone Boundary 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





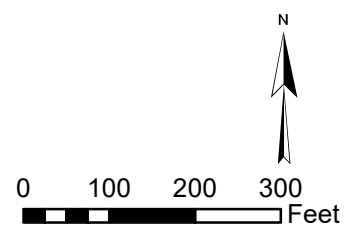
AERIAL MAP

**PROPOSED REGLI JERSEYS
 COASTAL DEVELOPMENT PERMIT
 FERNDALE AREA
 PLN-2020-16972
 APN: 106-051-004
 T02N R01W S06 HB&M (Fortuna)**

Project Area = 

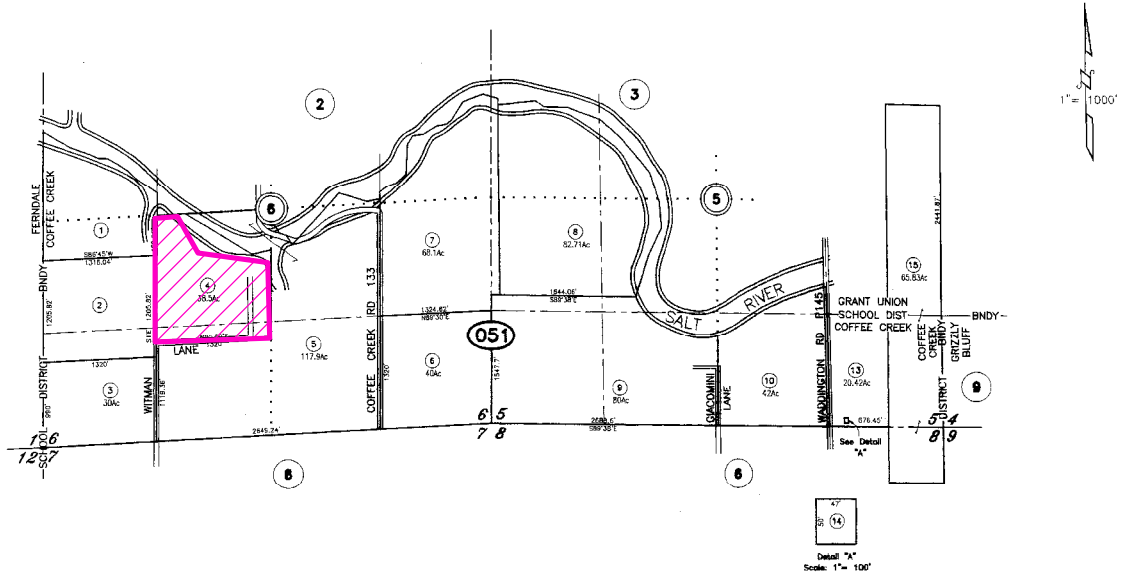
Coastal Zone Boundary 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



PTN SECS 5 & 6 T2N R1W H.B. & M.

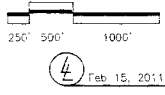
106-05



RS, Bk 1A of surveys, Pg 3
 RS, Bk 1A of surveys, Pg 11
 RS, Bk 1A of surveys, Pg 16
 RS, Bk 1B of surveys, Pg B0
 RS, Bk 65 of surveys, Pg 15

ASSESSOR'S PARCEL MAP
 1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
 2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.
 3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

NOTE - Assessor's Block Numbers Shown in Ellipses.
 Assessor's Parcel Numbers Shown in Circles.
 Assessor's Map Bk. 106, Pg.05
 County of Humboldt, CA.



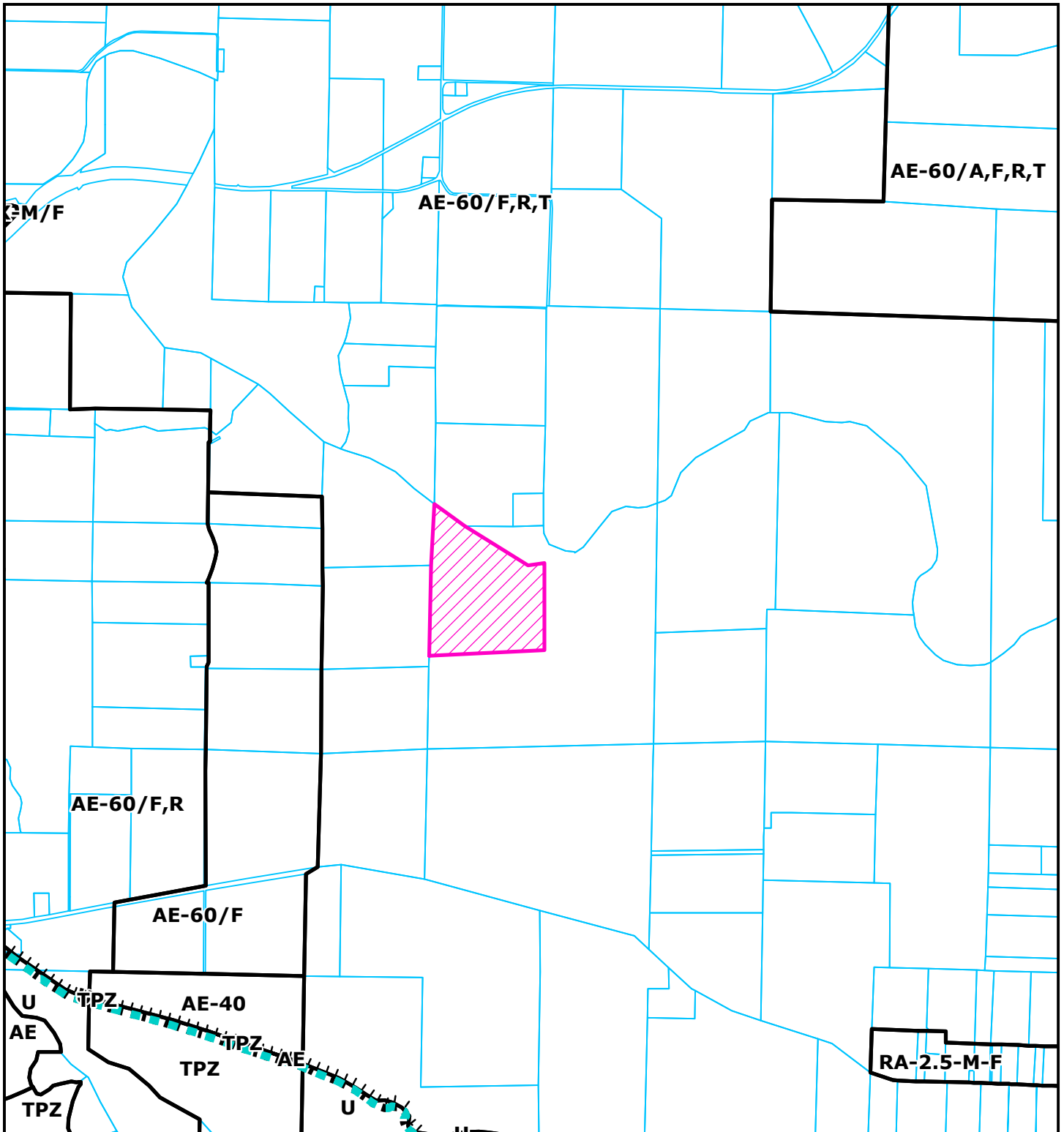
ASSESSOR PARCEL MAP
PROPOSED REGLI JERSEYS
COASTAL DEVELOPMENT PERMIT
FERNDALE AREA
PLN-2020-16972
APN: 106-051-004
T02N R01W S06 HB&M (Fortuna)

Project Area =

Coastal Zone Boundary

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

MAP NOT TO SCALE



ZONING MAP

**PROPOSED REGLI JERSEYS
COASTAL DEVELOPMENT PERMIT
FERNDALE AREA
PLN-2020-16972
APN: 106-051-004
T02N R01W S06 HB&M (Fortuna)**

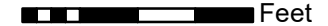
Project Area = 

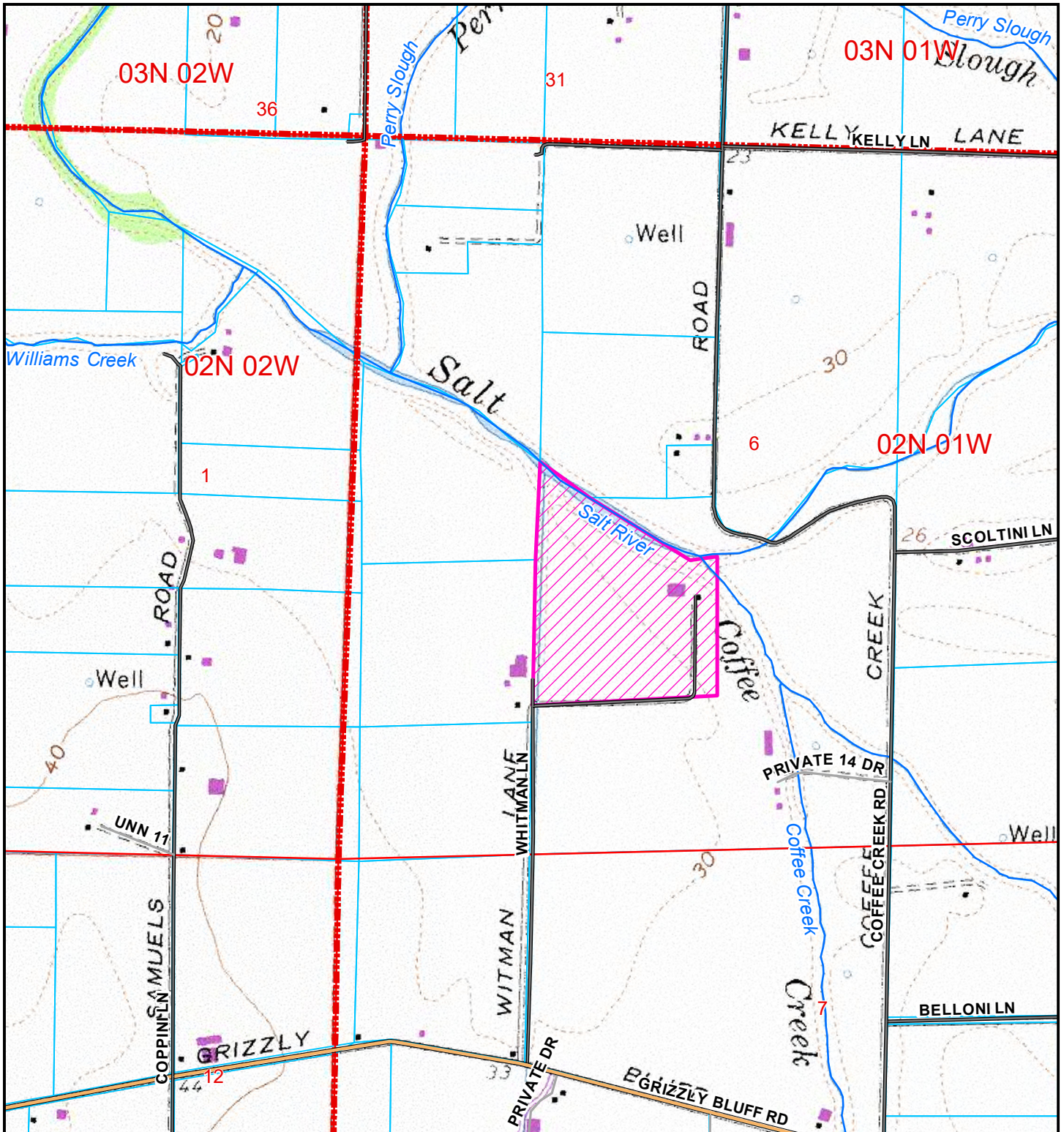
Coastal Zone Boundary 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 500 1,000 1,500 2,000 Feet





TOPO MAP

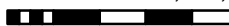
**PROPOSED REGLI JERSEYS
COASTAL DEVELOPMENT PERMIT
FERNDALE AREA
PLN-2020-16972
APN: 106-051-004
T02N R01W S06 HB&M (Fortuna)**

Project Area = 

Coastal Zone Boundary 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500 750 1,000 250
 Feet

ATTACHMENT 1

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF PLN-2021-16972 FOR THE MODIFICATION TO A COASTAL DEVELOPMENT PERMIT, PLN-2021-16972, IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE MODIFICATION TO THE COASTAL DEVELOPMENT PERMIT, PLN-2021-16972, CAN BE FINALIZED.

A. General Conditions

1. All other applicable conditions of approval from the Coastal Development Permit, PLN-2838-CDP, shall remain in place with the approval of this permit.
2. The applicant is responsible for obtaining all necessary County and State permits and licenses, and for meeting all requirements set forth by other regulatory agencies.
3. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. The Applicant is responsible for costs for post-approval review for determining project conformance with conditions. A deposit is collected to cover this staff review. Permit conformance with conditions must be demonstrated prior to release of building permit or initiation of use and at time of annual inspection. A conformance review deposit as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$750) shall be paid within sixty (60) days of the effective date of the permit or upon filing of the Compliance Agreement (where applicable), whichever occurs first. Payment shall be made to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
5. Within 60 days of the effective date of permit approval, the applicant shall execute a Compliance Agreement with the Humboldt County Planning and Building Department detailing all necessary permits and infrastructure improvements. The agreement shall provide a timeline for completing all outstanding items. All activities detailed under the agreement must be completed to the satisfaction of the Planning and Building Department before the permit may be finalized and no longer considered provisional.
6. The approved building plans shall meet all applicable fire codes, including fire suppression infrastructure requirements deemed necessary for the project by the Building Inspection Division. Sign-off on the Occupancy Permit by the Building Division shall satisfy this requirement.
7. Section 335-6 of the Humboldt County Code (Flood Damage Prevention Ordinance) specifies that *"There shall be no encroachments ... [in an identified floodway] unless a registered engineer or architect provides a certification demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge."* The applicant has submitted a Floodway Analysis (Otiveros & Associates, December 24, 2003) stating that there will be a zero-net increase in floodway elevations as a result of the proposed project. This is due to the removal of the existing garage. The Building Inspection Division has tentatively approved the Floodway Analysis, and will be responsible for ensuring total compliance with the County Flood Damage Prevention Ordinance.

Informational Notes:

1. If cultural resources are encountered during construction activities, the contractor on-site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials.

If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

ATTACHMENT 2

CONDITIONS OF APPROVAL FOR PLN-2838-CDP

REGLI, Jim & Susan

APN 106-051-04 (Ferndale area)

Case No.: CDP-03-60

RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE COASTAL DEVELOPMENT AND SPECIAL PERMITS ARE CONDITIONED UPON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE FULFILLED BEFORE A BUILDING PERMIT MAY BE ISSUED:

1. The applicant shall comply with all recommendations from the Biological Assessment prepared by Alice Berg & Associates (September 2003) as follows:
 - a. Prior to construction, install silt fences downslope of the existing fenceline to create an effective barrier between construction activities and aquatic habitat.
 - b. Avoid placing fill downslope of the existing fenceline.
 - c. Mulch and seed any disturbed or exposed soils after construction is complete.
 - d. Implement ground disturbing activities when soils are dry.

These requirements shall be clearly specified on the Building Permit plot plan.

2. The applicant shall apply for and obtain an encroachment permit from the Department of Public Works, Land Use Division.
3. The applicant shall construct a vehicle turnaround at the end of the driveway. This may be accomplished by relocated the existing fence between the proposed garage and pasture such that there is adequate are for a vehicle to turnaround (minimum 20' x 20'). This shall be a requirement to be shown on the plot plan submitted for the building permit.
4. The applicant shall submit for, and obtain the approval from, the County Building Inspection Division, for a floodway analysis showing compliance with the County Flood Damage Prevention Ordinance.

On-going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:

1. The project shall be conducted in accordance with the project description and approved project site plan.
2. All new and existing outdoor lighting shall be directed within the property boundaries.

Informational Notes:

1. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains.

The applicant is ultimately responsible for ensuring compliance with this condition.

2. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

ATTACHMENT 3

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division:

1. The name, contact address, and phone number(s) of the applicant. (Application form on file)
2. Site plan showing the entire parcel, including easements, streams, springs, ponds and other surface water features, and the location of the proposed agriculture well. (Revised Site Plan dated April 12, 2021, **Attached**).
3. Fisch Drilling Contract, received on March 11, 2021. (On file)
4. Grant Deed. (On file)

116972



USDA United States Department of Agriculture
Farm Service Agency

April 24, 2014



Farm: 1505
Name: Jim Regli
Humboldt
California



Digital Orthophotography
 Not to Scale

revised site plan

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Building Inspection Division	✓	Conditional Approval	On File
Division Environmental Health	✓	Approval	On File
Public Works, Land Use Division	✓	Approval	Attached
California Department of Fish & Wildlife		No Response	
California Coastal Commission		No Response	
NWIC	✓	Approval	On File



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING
3015 H STREET, EUREKA, CA 95501 ~ PHONE (707) 445-7245

5/19/2021

Project Referred To The Following Agencies:

Building Inspections, Cal Coastal Commission, Environmental Health, Building Inspections, Cal Coastal Commission, PW Land Use, Cal Fish & Wildlife, NWIC

Applicant Name Regli Jerseys **Key Parcel Number** 106-051-004-000

Application (APPS#) PLN-2021-16972 **Assigned Planner** Alyssa Suarez 707-268-3703

Please review the above project and provide comments with any recommended conditions of approval. To help us log your response accurately, please include a copy of this form with your correspondence.

Questions concerning this project may be directed to the assigned planner for this project between 8:30am and 5:30pm Monday through Friday.

County Zoning Ordinance allows up to 15 calendar days for a response. If no response or extension request is received by the response date, processing will proceed as proposed.

If this box is checked, please return large format maps with your response.

Return Response No Later Than: 6/3/2021

Planning Clerk
County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501
Email: PlanningClerk@co.humboldt.ca.us **Fax:** (707) 268 - 3792

We have reviewed the above application and recommend the following (please check one):

- Recommend Approval. The department has no comment at this time.
- Recommend Conditional Approval. Suggested conditions attached.
- Applicant needs to submit additional information. List of items attached.
- Recommend Denial. Attach reasons for recommended denial.

Other Comments: _____

DATE: 5/20/2021

PRINT NAME: Ken Fressel